

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants,

DR. REGINA FROST and CHRISTIAN  
MEDICAL AND DENTAL  
ASSOCIATIONS,

Defendants-Intervenors.

Civil Action Nos.

1:19-cv-4676 (PAE) (lead)

1:19-cv-5433 (PAE) (consolidated)

1:19-cv-5435 (PAE) (consolidated)

**PLAINTIFFS' NOTICE OF CROSS-MOTION**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and declarations, Plaintiffs' pleadings and papers on file in these consolidated actions, and State Plaintiffs' memorandum of law and accompanying declarations filed today, Plaintiffs, by their undersigned counsel, will move this Court, before the Honorable Paul A. Engelmayer, United States District Court Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1305, New York, New York, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment on their claims against the regulation entitled Protecting Statutory Conscience Rights in Health Care, 84 Fed. Reg. 23,170 (May 21, 2019) (to be codified at 45 C.F.R. pt. 88), promulgated by Defendant the U.S. Department of Health and Human Services, and that pursuant to 5 U.S.C. § 706 the Rule be "h[e]ld unlawful and set aside," and for such other and further relief as the Court deems just and proper. In the alternative, Plaintiffs will

move for an order pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and 5 U.S.C. § 705 for a preliminary injunction barring Defendants from implementing and enforcing the regulation to preserve the status quo until this case is decided on the merits and final judgment is entered.

Dated: September 5, 2019

Respectfully submitted,

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